



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

May 23, 2012

CERTIFIED MAIL: 7007 0710 0005 2882 3909
RETURN RECEIPT REQUESTED

Mr. Curtis L. Swisher, Town Manager
Post Office Box 728
Kernersville, North Carolina 27285

CERTIFIED MAIL: 7007 0710 0005 2882 3893
RETURN RECEIPT REQUESTED

Mr. Thad Buck, Solid Waste Superintendent
Post Office Box 728
Kernersville, North Carolina 27285

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Town of Kernersville-Landfill
Permit Number: #34-04
Forsyth County

Dear Sirs:

On April 25, 2012, I, representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statutes and Rules. During this inspection, the following items were noted and/or observed:

- A. **15A North Carolina Administrative Code 13B .0510(c) states:** *When a solid waste disposal site has been closed in accordance with the requirements of the Division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner and operator and shall be specified in the closure letter.*
- Under the section labeled "Closure Conditions" of the Closure Letter dated December 10, 1991, it is stated: *All disposal sites, either operating or closed, are subject to the **explosive gas requirements of Section .0503(2)(a)**, the surface water requirements of Section .0503(2)(c), and the ground-water requirements of Section .0503(2)(d).*
 - .0503(2)(a) states: *A site shall meet the following design requirements:*

- a. The concentration of explosive gases generated by the site shall not exceed
 - i. twenty-five percent of the limit for the gases in site structures (excluding gas control or recovery system components); and
 - ii. the lower explosive limit for the gases at the property boundary;

There are no records showing that methane monitoring has been conducted at the closed landfill as required in the closure letter.

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to achieve compliance with 15A NCAC 13B .0501(c). Within 90-days of receipt of this Notice of Deficiency, the Town of Kernersville must complete the following:

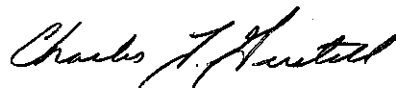
1. Submit landfill gas monitoring plan must be developed and submitted to the Section for approval. The landfill gas monitoring plan should satisfy all conditions of Rule 15A NCAC 13B .0503(2)(a)(i) and (ii). Please submit copies of the monitoring plan to:

Brian Wooten, Compliance Hydrogeologist
Division of Waste Management, Solid Waste Section
1646 Mail Service Center, Raleigh, North Carolina 27699-1646

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including a notice of violation, civil penalty, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (704) 235-2144 or charles.gerstell@ncdenr.gov.

Sincerely,



Charles T. Gerstell
Environmental Senior Specialist
Solid Waste Section

Enclosure: Facility Compliance Inspection Report

Cc: Mark Poindexter, Field Operations Branch Head
Jason Watkins, Western District Supervisor
Jessica Montie, Compliance Officer
Brian Wooten, Hydrogeologist